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NOTICE OF ALLOWANCE AND FEE(S) DUE

25920

7590

12/29/2009

MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE, CA 94085

EXAMINER

SHRESTHA, BLENDR K

ART UNIT

PAPER NUMBER

3691

DATE MAILED: 12/29/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,971	10/28/2003	Yasuhiko Oshima	ITECP003	8001

TITLE OF INVENTION: COMMODITY SALES SYSTEM, USED ARTICLE QUOTATION SYSTEM, AND CORRESPONDING METHODS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	03/29/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE** OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

25920 7590 12/29/2009

MARTINE PENILLA & GENCARELLA, LLP
 710 LAKEWAY DRIVE
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 SUNNYVALE, CA 94085

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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Yasuhiro Oshima

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nonprovisional	NO	\$1510	\$300	\$0	\$1810	03/29/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
SHRESTHA, BIJENDRA K	3691	705-037000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
 Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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EXAMINER

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1055 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1055 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/695,971

Applicant(s)

OSHIMA ET AL.

Examiner

BIJENDRA K. SHRESTHA

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/03/2009.
2. ☒ The allowed claim(s) is/are 1,2,7,10,11 and 16.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Hani M. Kazimi/
Primary Examiner, Art Unit 3691

EXAMINER STATEMENT

1. This action is responsive to the amendment filed 11/03/2009. Of the original claims submitted, claims 1-2, 7, 10, 11 and 16 have been amended and claims 3-6, 8-9, 12-15 and 17-32 have been canceled by the applicant's amendment. Therefore, claims 1-2, 7, 10, 11 and 16 are under consideration for prosecution of this application.

Summary of this Office Action

2. Applicants' arguments filed on 11/03/2009 have been fully considered, and discussed in the next section below, are deemed to be persuasive. Examiner amendments include amendment of claims 1, 7, 10 and 16. Therefore, claims 1-2, 7, 10, 11 and 16 are deemed to be allowable over the prior art of record, and applicants' request for allowance is respectfully granted.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

4. Authorization for this examiner's amendment was given in a telephone interview with attorney George B. Leavell (registration # 45,436) on December 14 and 16, 2009. The application has been amended as follows:

Claim 1. (Currently Amended): A commodity sales system comprising:

at least one server computer, the at least one server computer including:

a memory system;

a commodity price specification module that includes computer programs stored in the memory system for receiving a purchase request of a selected commodity from the user computer and for specifying a commodity price of the selected commodity;

a storage module that stores a component price table including both a maximum trade-in price and a minimum trade-in price corresponding to each component included in a used personal computer;

a maximum/minimum price determination module including:

computer programs in the memory system for receiving a trade-in request of a used personal computer and component information regarding each of components included in the used personal computer from the user computer;

computer programs in the memory system for outputting a maximum trade-in price and a minimum trade-in price corresponding to each of the components based on the received component information from the component price table; and

computer programs in the memory system for determining a maximum price of the used personal computer as a sum of the maximum

trade-in prices of the components and a minimum price of the used personal computer as a sum of the minimum trade-in prices of the components;

a tentative quote setting module including computer programs in the memory system for setting the minimum price determined by the maximum/minimum price determination module to a tentative quote of the used personal computer;

a deduction setting module including:

computer programs in the memory system for requiring an assessment of the used personal computer when the tentative quote exceeds a first reference value, upon receipt of the used personal computer by the commodity sales system to determine a final trade-in price of the used personal computer; and

computer programs in the memory system for setting the minimum price of the used personal computer to a deduction of the selected commodity, that ~~which~~ is ~~to be~~ subtracted from a specified price of the commodity,

a sub-module including:

computer programs in the memory system for determining an assessment of the used personal computer is not required when the tentative quote is not greater than the first reference value but exceeds a second reference value which is smaller than the first reference value; and

computer programs in the memory system for setting the tentative quote of the used computer to the deduction of the commodity;

a sub-module including:

computer programs in the memory system for determining an assessment of the used personal computer is not required when the tentative quote is not greater than the second reference value; and

computer programs in the memory system for setting a preset fixed price, which does not depend upon the tentative quote, to the deduction of the commodity; and

an amount payable notification module including:

computer programs in the memory system for subtracting the setting of the deduction from the specified price of the selected commodity to calculate a difference;

computer programs in the memory system for notifying the user computer of the calculated difference as an amount payable; and

computer programs in the memory system for notifying the user computer of the maximum price and the minimum price of the used personal computer when the tentative quote exceeds the first reference value, including notifying that, if the final trade-in price of the used personal computer determined after the assessment exceeds the minimum price, an amount of difference between the final trade-in price and the minimum price is to be refunded to the user.

Claim 2. (Previously amended) A commodity sales system in accordance with claim 1, wherein

said deduction setting module computer programs in the memory system for setting the deduction to be not less than a preset support price.

Claims 3-6. (Canceled).

Claim 7. (Currently Amended) *A commodity sales system in accordance with claim 1, wherein*

said deduction setting module includes computer programs in the memory system for setting a total deduction of the selected commodity, that ~~which is to be~~ subtracted from the specified commodity price of the selected commodity, according to a sum of the trade-in quotes of the multiple used articles or a sum of deductions set for the respective used articles.

Claims 8-9. (Canceled).

Claim 10. (Currently Amended) *A commodity sales method that is carried out when a user purchases a selected commodity and trades in a used personal computer, said commodity sales method comprising the steps of:*

(a) receiving a purchase request of a selected commodity by ~~in~~ a server computer, the purchase request being received from the user computer and the purchase request specifying a commodity price of the selected commodity;

(b) receiving a trade-in request of a used personal computer and component information regarding each component included in the used personal computer ~~by~~ ~~in~~ a server computer, the purchase request being received from the user computer, the trade-in request including:

a reference to a component price table, the component price table including:

both a maximum trade-in price and a minimum trade-in price corresponding to each component included in the used personal computer;

(c) output a maximum trade-in price and a minimum trade-in price corresponding to each of the components based on the received component information from the component price table;

(d) determining a maximum price of the used personal computer as a sum of the maximum trade-in prices of the components and a minimum price of the used personal computer as a sum of the minimum trade-in prices of the components;

(e) setting the minimum price determined in said step (d) to a tentative quote of the used personal computer;

(f) when the tentative quote exceeds a first reference value, requiring an assessment of the used personal computer is upon receipt of the used personal computer by the commodity sales system the assessment including:

determining a final trade-in price of the used personal computer; and

setting the minimum price of the used personal computer to a deduction of the selected commodity, that ~~which is to be~~ subtracted from a specified price of the commodity;

(g) when the tentative quote is not greater than the first reference value but exceeds a second reference value which is smaller than the first reference value, determining that the assessment of the used personal computer is not required and setting the tentative quote of the used computer to the deduction of the commodity, and

(h) when the tentative quote is not greater than the second reference value, determining that the assessment of the used personal computer is not required and setting a preset fixed price, which does not depend upon the tentative quote, to the deduction of the commodity; and

(i) subtracting the setting of the deduction from the specified price of the selected commodity to calculate a difference;

(j) notifying the user computer of the calculated difference as an amount payable including:

when the tentative quote exceeds the first reference value, notifying the user computer of the calculated difference as an amount payable includes notifying the user computer of the maximum price and the minimum price of the used personal computer; and

notifying the user computer that, if the final trade-in price of the used personal computer determined after the assessment exceeds the minimum price,

an amount of difference between the final trade-in price and the minimum price is to be refunded to the user.

Claim 11. (Previously amended) A commodity sales method in accordance with claim 10, wherein

setting the minimum price of the used personal computer to a deduction of the selected commodity includes setting the deduction to be not less than a preset support price.

Claims 12-15. (Canceled).

Claim 16. (Currently Amended) A commodity sales method in accordance with claim 10, wherein

said setting the minimum price of the used personal computer to a deduction of the selected commodity, that ~~which is to be~~ subtracted from a specified price of the commodity includes setting a total deduction of the selected commodity, that ~~which is to be~~ subtracted from the specified commodity price of the selected commodity, according to a sum of the trade-in quotes of the multiple used articles or a sum of deductions set for the respective used articles.

Claims 17-32. (Canceled).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bijendra K. Shrestha whose telephone number is (571) 270-1374. The examiner can normally be reached on 8:00 AM-4:30 PM (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bijendra K. Shrestha/
Examiner, Art Unit 3691
12/14/2009

/Hani M. Kazimi/

Primary Examiner, Art Unit 3691

